Subpart 223.74 - PROHIBITION ON PROCUREMENT OF CERTAIN ITEMS CONTAINING PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES

Parent topic: Part 223 - ENVIRONMENT, SUSTAINABLE ACQUISITION, AND MATERIAL SAFETY

223.7400 Scope of subpart.

This subpart implements section 322(b), (c), and (d) of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92).

223.7401 Definition.

As used in this subpart—

"Ocean-going vessel" means a vessel over 59 feet in length owned or operated by DoD or the U.S. Coast Guard, other than vessels that are chartered by the Armed Forces on a time or voyage basis.

223.7402 Prohibition.

Do not procure any fire-fighting agent that contains in excess of one part per billion perfluoroalkyl substances or polyfluoroalkyl substances. Procurements of fire-fighting agent for use solely onboard ocean-going vessels are exempt from this prohibition.

223.7403 Procedures.

Contracting officers shall not issue a solicitation for any fire-fighting agent that contains perfluoroalkyl or polyfluoroalkyl substances in excess of one part per billion, unless the requiring activity provides documentation of the exemption at 223.7402 Prohibition.. The contracting officer shall maintain the documentation in the contract file.

223.7404 Contract clause.

Use the clause at 252.223-7009, Prohibition of Procurement of Fluorinated Fire-Fighting Agent for Use on Military Installations, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products and commercial services, relating to fire-fighting on military installations.